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EXAMINER

DANNEMAN, PAUL

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,371	<b>Applicant(s)</b> KAHLON ET AL.	
	<b>Examiner</b> PAUL DANNEMAN	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 October 2009 has been entered.

### **Response to Amendment**

2. This Office Action is in response to Applicants' Request for Continued Examination filed on 2 October 2009.
3. Claims 1-3, 5, 9-11 and 29 have been amended.
4. Claims 1-33 are pending and have been examined in this Office Action.

### **Response to Arguments**

5. Respectfully the Examiner withdraws the "new matter rejection" regarding the Specification and the previous amendment.

6. Applicants argue with regard to the rejection of Claims 1, 9 and 29 under 35 U.S.C. § 112, first paragraph that ***"Applicants respectfully submit that these claims, as amended, explicitly draw support from at least paragraphs [0038]-[0043] and Figure 1A."*** Respectfully, the Examiner must disagree paragraphs [0038]-[0043] provides support for an inventory system which is a software product. Figure 1A (paragraph [0052]) provides support for the hardware aspects of the system, a source system 110, a target system 130, an integration server 120 and a network 150. The inventory transaction information is stored within each inventory system that is executing on the source system 110 and the target system 130. The source system 110 and the target system 130 are not coupled to the integration server 120 they can communicate via the network 150. Appropriate correction is required.

7. Applicants' arguments regarding the rejection of Claim 1-33 under 35 U.S.C. § 103(a) are moot as there is a new grounds of rejection for the amended Independent Claims 1, 9 and 29.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. **Claims 1, 9 and 29** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **Claims 1, 9 and 29** have been amended to disclose an inventory management system executing on a first and second computer, however the Specification in paragraphs [0013 through 0015] only supports a single inventory management system with different applications running on the "front" and "back" offices which access inventory information.

10. **Claims 1, 9 and 29** are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claims(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants' specification in paragraphs [0038]-[0043] provides support for an inventory system which is a software product. Figure 1A (paragraph [0052]) provides support for the hardware aspects of the system, a source system 110, a target system 130, an integration server 120 and a network 150. The inventory transaction information is stored within each inventory system that is executing on the source system 110 and the target system

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130. The source system 110 and the target system 130 are not coupled to the integration server 120 they can communicate via the network 150. Appropriate correction is required.

### ***Double Patenting***

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

12. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

13. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. **Claims 1-7, 29-33 and 9-15** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 and 9-24 of copending Application No. **10/696,156**. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are directed to a computerized inventory management system where an integration server is used to synchronize inventory information between a source and target system.

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15. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

16. **Claims 1-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Horel et al., US 2003/0051047 A1 hereinafter known as Horel and further in view of Coleman, US 5,708,828 and further in view of Michael et al., US 2003/0088442 A1 hereinafter known as Michael.

**Claims 1, 9 and 29:**

With regard to the limitations:

- ***Bidirectional synchronization of a source and target computerized inventory transaction information of a computerized inventory management system executing on a first computer and a target computerized inventory management system executing on a second computer, and synchronizing comprises;***
- ***Extracting inventory information in a source format from the Source computerized inventory management system;***
- ***Converting inventory information from the source format into an intermediate format at an integration server; and***
- ***Converting inventory information from the intermediate format into the Target format at an integration server.***

Horel in at least paragraph [0013] discloses a method of processing data in an interface comprising receiving data in a first format from a source system, storing the data in a persistent intermediate storage, initiating the transmission of the information to the target system.

Horel does not specifically disclose that the data is being converted at an integration server, however in at least paragraph [0027] discloses the synchronizer tool interface enables tables in source RDBM to be synchronized with those of a target RDBM.

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However Coleman in at least Fig. 1 and Column 2, lines 41-56 discloses a data conversion system and method which uses a data conversion language/engine (DCLE) to convert data from any number of different types or formats from any of various platforms to a single common data standard which is then converted to a new desired format or type. The system and method allows for multiple database conversions. The computer system 22 in Fig. 1 executes the data conversion system and method on data received from the first storage medium of a mainframe 24 and subsequently converts the data from the single common data standard to the format of the second storage medium of computer system 26. Coleman in Column 6, lines 48-57 discloses that the users may be at various remote locations from the computer system 22 and can access the computer system 22 via Internet or TCP/IP connection to access the data conversion system and method executing on computer system 22.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well known elements of Horel's bi-directional synchronization of RDBM data with the well know elements of Coleman's intermediate conversion computer system/server to achieve the predictable results of bi-directional synchronization of database information resident in various formats on various computer systems wherein the synchronization is being performed at an intermediate computer system/server.

The Horel/Coleman combination does not specifically disclose that the database information is related to inventory transaction(s) per se, however Coleman in at least Column 1, lines 36-53 discloses that corporations and other organization process a large amount of transactions which may be related to financial reports, sales and accounting, human resources and personnel, or manufacturing and production.

Therefore it would have been obvious, at the time of the invention, to one of ordinary skill to modify the Horel/Coleman combination with databases which contain inventory transaction data, with the motivation to assist an organization in converting inventory transaction data between different hardware//software/application platforms, to insure that a company's inventory status is always current.

**Claims 2-8, 10-28 and 30-33:**

With regard to the limitations:

- *Extracting inventory information in a source format from the source computerized inventory management system;*
- *Converting inventory information from the source format into an intermediate format; and*
- *Converting inventory information from the intermediate format into the Target format.*
- *The inventory information is a collection of inventory records with various fields.*

Horel in at least paragraph [0013] discloses a method of processing data in an interface comprising receiving data in a first format from a source system, storing the data in a persistent intermediate storage, initiating the transmission of the information to the target system.

Horel does not specifically disclose that the data is being converted at an integration server, however in at least paragraph [0027] discloses the synchronizer tool interface enables tables in source RDBM to be synchronized with those of a target RDBM.

Coleman in at least Column 1, lines 54-60 discloses that one difficult in converting data between systems is that different data storage hierarchies are used in different systems. Coleman in at least Fig. 1 and Column 2, lines 41-56 discloses a data conversion system and method which uses a data conversion language/engine (DCLE) to convert data from any number of different types or formats from any of various platforms to a single common data standard which is then converted to a new desired format or type. The system and method allows for multiple database conversions. The computer system 22 in Fig. 1 executes the data conversion system and method on data received from the first storage medium of a mainframe 24 and subsequently converts the data from the single common data standard to the format of the second storage medium of computer system 26.



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Coleman in at least Column 3, lines 41-57 further discloses that depending upon the complexity of changes to the data hierarchy itself, i.e., the arrangement and relationship of the units and parts between the different formats to be converted, one or more intermediate output environments may be created to expedite the conversion process.

Coleman in at least Column 4, lines 46-61 further discloses that the data conversion system and method accesses data from the first computer system, assesses the data and performs the conversion to a generic type. Coleman in at least Column 5, lines 1-31 further discloses that the generic type (common data format) is converted to the format required by the second computer system.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well known elements of Horel's bi-directional synchronization of RDBM data with the well know elements of Coleman's data conversion language/engine (DCLE) located on an intermediate conversion computer system/server to achieve the predictable results of bi-directional synchronization of database information resident in various formats on various computer systems wherein the synchronization is being performed at an intermediate computer system/server.

The Horel/Coleman combination does not specifically disclose that the database information is related to inventory transactions, however Michael in at least paragraph [0022] discloses a method for managing an inventory of items across a distributed mobile work force, wherein each worker has a mobile computing device, including a full complement of inventory management functions, such as receiving items, disbursing items, replenishing items, counting items, and transferring inventory between worker. Each mobile worker manages their own sub-inventory of items and a local database is stored on the mobile computing device. As inventory transactions occur, the worker's local database is updated and synchronized with the main database to record any transactions performed. Michael in at least Fig.3 and paragraph [0085] further discloses the synchronization process between a worker's local database and the company's main database. Michael in at least paragraph [0086] further discloses that any transaction on the main database

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that affect a worker's local database result in an update of the worker's local database (i.e. bi-directional synchronization).

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify the Horel/Coleman bi-directional database synchronization combination with Michael's inventory transaction databases with a plurality of inventory transaction elements with the motivation to insure that all parties have current information regarding the inventory status.

***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

3 December 2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627